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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

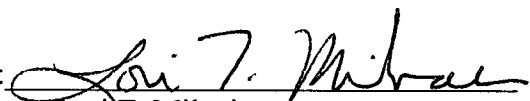
REGAL WARE, INC.,)	Opposition No.: 91164280
)	
Opposer,)	Serial No. 76/574977
)	
v.)	Mark: WHERE CRAFTSMEN STILL CARE
)	
ADVANCED MARKETING INT'L., INC.,)	Filing Date: February 10, 2004
)	
Applicant.)	
)	

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB – NO FEE, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on the date set forth below.

July 6, 2005

Date of signature and of mail deposit

By:


Lori T. Milvain

**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO
AMENDED NOTICE OF OPPOSITION**

Advanced Marketing Int'l., Inc. (hereinafter referred to as "Applicant"),
by its undersigned counsel, responds as follows to the Amended Notice of
Opposition filed herein:

1. Applicant denies the allegations in Paragraph 1 of the Amended Notice of Opposition.
2. Applicant denies the allegations in Paragraph 2 of the Amended Notice of Opposition.



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3. Applicant denies the allegations in Paragraph 3 of the Amended Notice of Opposition.

4. Applicant denies the allegations in Paragraph 4 of the Amended Notice of Opposition.

5. Applicant denies the allegations in Paragraph 5 of the Amended Notice of Opposition.

6. Applicant admits that Opposer's predecessor in interest filed an application to register the mark, WEST BEND... WHERE CRAFTSMEN STILL CARE for the goods listed in that registration. Applicant denies the remaining allegations of Paragraph 6 of the Notice of Opposition.

7. Applicant admits that Opposer's predecessor in interest filed an application to register the mark, WEST BEND... WHERE CRAFTSMEN STILL CARE and obtained registration on the Supplemental Register. Applicant denies the remaining allegations in Paragraph 7 of the Amended Notice of Opposition.

8. Applicant denies the allegations in Paragraph 8 of the Amended Notice of Opposition.

9. Applicant denies the allegations in Paragraph 9 of the Amended Notice of Opposition.

10. Applicant denies the allegations in Paragraph 10 of the Amended Notice of Opposition.

11. Applicant denies the allegations in Paragraph 11 of the Amended Notice of Opposition.

12. Applicant denies the allegations in Paragraph 12 of the Amended Notice of Opposition.

13. Applicant denies the allegations in Paragraph 13 of the Amended Notice of Opposition.

14. Applicant admits the allegations in Paragraph 14 of the Amended Notice of Opposition.

15. Applicant is without knowledge as to the allegations in Paragraph 15 of the Amended Notice of Opposition and therefore denies same.

16. Applicant denies the allegations in Paragraph 16 of the Amended Notice of Opposition.

17. Applicant denies the allegations in Paragraph 17 of the Amended Notice of Opposition.

18. Applicant denies the allegations in Paragraph 18 of the Amended Notice of Opposition.

19. Applicant denies the allegations in Paragraph 19 of the Amended Notice of Opposition.

20. Applicant denies the allegations in Paragraph 20 of the Amended Notice of Opposition.

21. Applicant denies the allegations in Paragraph 21 of the Amended Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

There is no likelihood of confusion, mistake or deception because, inter alia, Applicant's mark is not confusingly similar to the pleaded mark of Opposer.



Opposer's pleaded mark, (the "WEST BEND Mark"), is different in overall sound, appearance, and impression from Applicant's word mark, WHERE CRAFTSMEN STILL CARE.

Second Affirmative Defense

The WEST BEND Mark is not registered on the Principal Register, and thus, is not entitled to any statutory presumption of validity.

Third Affirmative Defense

Opposer's WEST BEND Mark, Registration No. 862,553, is registered on the Supplemental Register, and Opposer has not alleged that this mark has acquired secondary meaning. Even if the WEST BEND Mark had acquired secondary meaning, the predominant feature of the WEST BEND Mark is "WEST BEND."

Fourth Affirmative Defense

Applicant objects to the Opposition filed by Opposer under the doctrine of acquiescence. Opposer misled the Applicant by Opposer's counsel's affirmative representation to counsel for Applicant on January 29, 2004 that the Applicant's

use of WHERE CRAFTSMEN STILL CARE was permissible. Opposer was aware of Applicant's intended use even before that date and never objected to Applicant's use for over one year, causing undue prejudice to Applicant.

Fifth Affirmative Defense

Opposer's WEST BEND Mark was registered by The West Bend Company in 1968, and amended in 1978. Opposer allegedly acquired the WEST BEND Mark through a series of assignments, and abandoned the WEST BEND Mark through non-use, with no intention to resume use.

Sixth Affirmative Defense

In accordance with its lack of intention to resume use of the WEST BEND Mark, Opposer affirmatively consented to the use and registration of WHERE CRAFTSMEN STILL CARE by the Applicant. Through Opposer's avowed consent to Applicant's use, Opposer ratified the Applicant's course of conduct, and, thus, Opposer confirmed Applicant's right to the use of WHERE CRAFTSMEN STILL CARE.

Seventh Affirmative Defense

Applicant objects to the Opposition filed by Opposer under the doctrine of equitable estoppel. Opposer's counsel consented to Applicant's use and registration of WHERE CRAFTSMEN STILL CARE, by telephone voice-mail message, on January 29, 2004. Applicant detrimentally relied upon said consent by adopting, using, and applying for federal registration of WHERE CRAFTSMEN STILL CARE.

Eighth Affirmative Defense

According to the U.S. Patent and Trademark Office records, the current owner of the WEST BEND Mark is WB Acquisition, LLC, and not the Opposer herein, Regal Ware, Inc.

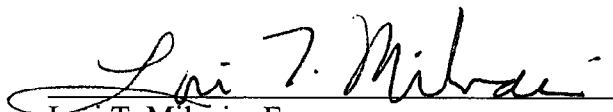
Ninth Affirmative Defense

According to the U.S. Patent and Trademark Office records, the registration of the WEST BEND Mark in International Class 21 for ALUMINUM AND STAINLESS STEEL COOKING UTENSILS-NAMELY, SAUCEPANS, DOUBLE BOILERS, CASSEROLES, SKILLETS, DUTCH OVENS, EGG POACHERS, GRIDDLES, BAKING PANS, COOKIE SHEETS, MIXING BOWLS, TEA KETTLES, PERCOLATORS, BROILERS, FRENCH FRYERS, OVENETTES, has expired.

WHEREFORE, Applicant respectfully requests that this Opposition be dismissed, that judgment in favor of Applicant and against Opposer be entered, and that Applicant's mark be passed on to registration.

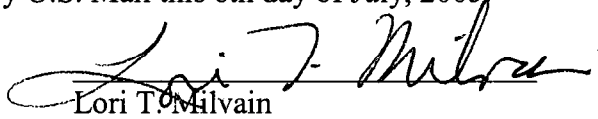
Advanced Marketing Int'l., Inc.

Dated: July 6th, 2005


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Applicant's
Answer and Affirmative Defenses to Amended Notice of Opposition was served
on Joseph A. Kromholz, Ryan Kromholz & Manion, S.C., P.O. Box 26618,
Milwaukee, WI 53226 by U.S. Mail this 6th day of July, 2005.


Lori T. Milvain